

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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BUENAVENTURA CASIANO, *et al.*

Plaintiffs,

21 Civ. 8459 (PAE) (OTW)

-against-

DEFAULT JUDGMENT

ABDULLA ALI MUSAID, ABDULRAHMAN JAMIL
MOSED, 67 DELI CORP.,

Defendants.
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On October 13, 2021, plaintiffs Buenaventura Casiano and Gregorio Candia Mendoza (together, “plaintiffs”) brought this Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*, and New York Labor Law (“NYLL”), N.Y. Labor Law §§ 190 *et seq.* and 650 *et seq.*, action on behalf of themselves and others similarly situated. Dkt. 1. On March 16, 2022, plaintiffs served defendants Abdulla Ali Musaid, Abdulrahman Jamil Mosed, and 67 Deli Corp. (together, “defendants”), making defendants’ deadlines to answer April 6, 2022. Dkts. 23–25. Defendants have not answered the Complaint or otherwise appeared in this action, and the time for answering the Complaint has expired.

On May 20, 2022, plaintiffs filed for entry of default judgment as to all defendants with the Clerk of the Court. Dkts. 29–32. On May 23, 2022, the Clerk of the Court issued certificates of default as to all defendants. Dkts. 33–35. However, plaintiffs did not move for default. On October 6, 2022, the Court ordered plaintiffs to show cause as to why the instant case should not be dismissed for failure to prosecute. Dkt. 36. On October 31, 2022, plaintiffs moved for default judgment against all defendants, Dkt. 40, and filed a memorandum of law, Dkt. 41, declaration, exhibits, Dkts. 41-1–7, and proposed default judgment, Dkt. 42, in support.

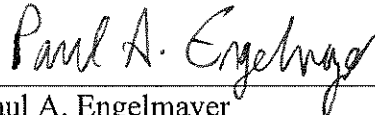
On November 2, 2022, the Court ordered any defendant wishing to oppose the motion, by

November 16, 2022, to show cause why a default judgment is not warranted. Dkt. 43. On November 3, 2022, plaintiffs served the November 2, 2022 Order to show cause on all defendants. Dkt. 44.

Defendants did not oppose the Order or appear. The Court has reviewed plaintiffs' motion for default judgment pursuant to Federal Rule of Civil Procedure 55(b) and supporting submissions. Because proof of service has been filed, each defendant has failed to answer the Complaint, the time for doing so has expired, and each defendant has failed to appear to contest the entry of default judgment, the Court enters a default judgment for plaintiffs against all defendants, jointly and severally, on all claims brought under the FLSA and NYLL in an amount to be determined at an inquest, plus costs, interest, and attorneys' fees to be determined based on a subsequent submission.

The Court will, by separate order, refer this case to the Hon. Ona T. Wang, Magistrate Judge, for an inquest into damages. Plaintiffs shall serve this Order upon each defendant and file affidavits reflecting such service on the docket by March 31, 2023. The Clerk of the Court is respectfully directed to terminate the motion pending at docket 40.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: March 24, 2023
New York, New York